IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21695 of 2004

Between:

Ashok Kumar Pradhan, S/o. Chandra Sekhara Pradhan,
H/o. 38-38-60/2, Mandal Srikakulam District.

..... PETITIONER

AND

1. The Revenue Divisional Officer,

Palakonda Division, Palakonda, Srikakulam District-532440

2. The Mandal Revenue Officer, Melliaputi, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, or Direction, more particularly one in the nature of Writ of MANDAMUS to direct the respondent No.1 to issue the endorsed copy to the petitioner by 26-11-2004 in the prescribed format issued by the Railway Recruitment Board with regarding to the petitioner's caste for recruitment to the post of Telecommunication Maintainer Grade-III which is scheduled for verification on 29-11-2004 at Chennai, by taking the caste certificate issued by the then Competent Authority, the Mandal Revenue Officer in 1986, which is valid, as per Sec.21 of the Act 16 of 1993 and Rule 16 of the rules framed under the Act, into consideration and consequently Declare the inaction of the Respondent No. 1 in not issuing the endorsed format, by taking the certificate issued by the M.R.O. in 1986 into consideration, as Bad in Law, against Principles of Natural Justice, arbitrary, illegal in the interest of justice.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & NEERAJA REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

ORAL ORDER:

The petitioner has filed this writ petition against non-issuance of the endorsed copy to the petitioner by 26.11.2004 by the 1st respondent in the prescribed format issued by the Railway Recruitment Board, Chennai,

The learned counsel for the petitioner has contended that the petitioner has to submit the prescribed format before the Railway Recruitment Board by 26.11.2004 and for that purpose, he made a representation to the 1st respondent on 11.11.2004, but no action has been taken, as a result, his entire career will be spoiled. Therefore, he prays to give a direction to the 1st respondent to issue a caste certificate in the prescribed proforma.

The learned Government Pleader for the respondents has contended that the endorsement cannot be made unless the 1st respondent-R.D.O conducts an enquiry with regard to the caste of the petitioner and it requires some reasonable time.

The facts are in narrow compass. It seems that the petitioner obtained a caste certificate in the year 1986 as well as in the year 1999, but as per the report of the Railway Recruitment Board, the petitioner is required to submit a caste certificate in the proforma submitted by it before the Railway Recruitment Board on 29.11.2004, for which purpose, he made an application, but no action has been

taken. Challenging the same, the writ petition is filed.

In a case of this nature, when social status certificate is required, the revenue authorities have to necessarily conduct an enquiry in accordance with the existing statutory rules before issuing such certificate. A caste certificate cannot be issued unless the revenue officials conduct some enquiry pertaining to the social status of the petitioner.

Having regard to the facts and circumstances of the case, I am of the considered view that a direction can be given to the 1st respondent-Revenue Divisional Officer, Palakonda to conduct necessary enquiry with regard to the social status of the petitioner and issue him a caste certificate basing on the enquiry within two weeks from the date of receipt of a copy of this order. At the same time, it is made clear that the petitioner can as well make an application to the Railway Recruitment Board, Chennai and the same shall have to be considered sympathetically.

With the above direction, the writ petition is disposed of. No costs.

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(K.C. BHANU, J.)

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

26th November, 2004.

bcj

To

1. The Revenue Divisional Officer,

Palakonda Division, Palakonda, Srikakulam District-532440

2. The Mandal Revenue Officer, Melliaputi, Srikakulam District.

3. Two CCs to G.P for Social Welfare, High Court Buildings,

Hyderabad(OUT)

4. Two CD Copies